

**MINUTES OF THE MEETING OF THE RTA KOTTAYAM HELD ON
03/11/2018.**

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Present Chairman

Dr. B.S. Thirumeni, IAS, The District Collector, Kottayam.

Member

Sri. Shaji Joseph, Deputy Transport Commissioner, Central Zone II,
Ernakulam.

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Item No.01

Heard the learned counsel represented the applicant and KSRTC.

This is an application for the grant **fresh regular permit** in respect of SC **KL 05 Y 5099 / another suitable vehicle** to operate on the route **PALA KOTTARAMATTAM BUS STAND – PAMPADY** via, Pala Old Bus Stand, 12th Mile, Panthathala, Mevida, Kanjiramattom, Chengalam, Kavungumpalam, Anickadu Pally, Pallickathodu, and Kooropada as **Ordinary Service**.

This authority considered the application and connected documents in detail. The route portion of 1.5 kilo meter at Pala Town objectionably overlaps on Kottayam – Kattappana Scheme and a distance of 100 meters in Pampady objectionably overlaps on Ernakulam – Thekkady notified Scheme vide GO[P] No 42/2009 Trans dtd 14/07/2009, which is further modified by GO[P] No 08/2017/Tran dtd 23/03/2017. **The total distance of overlapping in the proposed route is 1.6 KM ie, 4.7 % of the total route length of 34 km. These overlapping come under the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017.** Hence this authority is in view that there is no legal impediment to grant the permit.

The date of registration of the offered vehicle KL 05 Y 5099 is 08/02/2008 hence not fit for the issue of fresh regular permit as specified in the decision of STA held on 14/06/2017 in Departmental item No. 2.

However, **the Fresh Regular permit granted to a later model vehicle** owned or possessed by the applicant, which is not older than 08 years from the date of registration, having same seating capacity or more than the applied vehicle, on the above route subject to settlement of timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

The grantee is directed to produce the records of a later model suitable stage carriage and current records of vehicle if any possessed by him within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked.

Item No. 02

Heard the learned counsels represented the applicant and KSRTC.

This is an application for the grant **fresh regular permit** in respect of SC **Pala - Perinad** Via Edappady, Bharananganam, Panackapalam, Erattupetta, Thidanadu, Pinnakkanadu, Kalaketty, Kappadu, Kanjirappally, Chenapady, Mukkada and Athikkayam as **ordinary service**.

This authority considered the application and connected documents in detail. This is an inter district route lies in Kottayam and Pathanamthitta Districts. Total distance of the route is 63.3 km, out of which 16.3 kms lies in the jurisdiction of RTA Pathanamthitta. RTA Pathanamthitta has granted concurrence in vide Order No G1/1309/2018/PTA dtd 18/06/2018.

Route portion of 1.9 kilo meter from Pala Kottaramattom Bus Stand to Maharaniavalu objectionably overlaps on Kottayam – Kattappana. Scheme, a distance of 800 meters from Kanjirappally Kurisukavala to Pettakavala objectionably overlaps on Ernakulam – Thekkady notified Scheme and a distance of 300 meters from Mukkada to Mukkada Jn. overlaps on Changanachery – changanachery Circular Scheme vide GO[P] No 42/2009 Trans dtd 14/07/2009, which is further modified by GO[P] No 08/2017/Tran dtd 23/03/2017. **The total distance of overlapping in the proposed route is 03 KM ie, 4.7 % of the total route length of 63.3 km. These overlapping come under the permissible limit as per GO (P) No. 8/2017 Trans dated 23/03/2017.**

The date of registration of the offered vehicle is 28/02/2002, hence not fit for the issue of fresh regular permit. In the meeting, the counsel represented the applicant has offered a new vehicle KL 38 A 3477 owned by the applicant. On verification the offered vehicle KL 38 A 3477 is possessed by Smt. Nisha Thomas and the 08 years age was attained on 19/12/2017. So the offered vehicle is not fit for

issuing fresh regular permit as specified in the decision of STA held on 14/06/2017 in Departmental item No. 2.

However, the Fresh Regular permit **granted** to a later model suitable vehicle owned or possessed by the applicant, which is not older than 08 years from the date of registration, having same seating capacity or more than the applied vehicle. The timings have already been settled as per D3 order of STA for issuing temporary permit on this route. Hence no need of time settlement.

The grantee is directed to produce the records of a later model suitable stage carriage and current records of vehicle if any possessed by him within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked.

Item No. 03

Heard the learned counsel represented the applicant, KSRTC and Other Objectors.

This is an application for the grant **fresh regular permit** in respect of SC **KL 07 AW 9733 / or suitable vehicle** to operate on the route **THALAYOLAPARAMBU – KURAVILANGADU – MANARCADU – MUNDIYAKKAL** via, Thalappara, Mercy Hospital, Keezhoor, Peruva, Perumbadavam, Elanji, Alapuram, Cherumthadam, Vakkadu, Vattakunnu, Mukkavalakunnu, Kuravilangadu, Nellimattom, Vayala, Koodalloor, Kadappur, Vallikkadu, Thavalakkuzhy, Ettumanoor, Peroor, Thiruvanchoor, Kottamuri, Manarcadu, Thalappady and Payyappadi as **Ordinary Service**.

This authority considered the application and connected documents in detail. This is an inter district route lies in the jurisdiction of RTA Kottayam and RTA Muvattupuzha. **Total distance of the route is 63 km out of which 07 km from Madukka to Perumbadavam lies under the jurisdiction of RTA Muvattupuzha. Hence concurrence from the sister RTA Muvattupuzha is necessary for the grant of permit.**

Route portion from Thalayolaparambu Bus Stand to Pallippadi Jn. [700 meter] and from Thavalakuzhy Ettumanoor Bus Stand and Peroor Jn. [1.5 km] and from Manarcadu to Puthuppally Road Jn. [100 meters] objectionable overlaps objectionably overlaps on Ernakulam – Thekkady, Kottayam - Thekkady notified

Scheme, and from Kuravilanagdu Bus Stand to Pallikkavala a distance of 700 meters objectionably overlaps on Kottayam – Kozhikkodu Scheme vide GO[P] No 42/2009 Trans dtd 14/07/2009, which is further modified by GO[P] No 08/2017/Tran dtd 23/03/2017. The total distance of overlapping in the proposed route is 03 KM ie, 4.76 % of the total route length of 63 km. These overlapping come under the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017. But during the meeting, some operators were contented that the actual distance of overlapping in the applied route is 3.5 kms. Hence this authority is in view that a clarification is needed in this regard.

The date of registration of the offered vehicle is 14/06/2005 hence not fit for the issue of fresh regular permit. Moreover, the offered vehicle KL 07 AW 9733 is having valid regular permit on another route Thalayolaparambu – Puthuppally route valid up to 20/07/2012. Hence the offered vehicle is not fit for issuing a fresh regular permit.

Hence, **this authority is decided that**

1.The Secretary RTA is directed to obtain concurrence from the RTA Muvattupuzha for the portion passes through the jurisdiction of that RTA.

2.Secretary RTA is also directed to verify the actual distance of overlapping on the applied route.

3.the applicant is directed to produce the current records of a later model vehicle, which is not older than 08 years from the date of registration, having same seating capacity or more for further consideration of the application.

Item No. 04

Heard the learned counsel represented the applicant, KSRTC and other objectors.

This is to peruse the Judgment dtd 16/07/2018 of Honorable High Court in WP[c] No 23151 of 2018 and to consider the application for the grant fresh regular permit in respect of SC KL 05 J 2322 / or suitable vehicle to operate on the inter district route Vaikom – Kottayam – Cherthala via, Thanneermukkam, Ambika Market, Bund Road, Cherthala Bus Stand, Kaipuzhamuttu, Kumarakom, Illickal and Chengalam as Ordinary Service. [in the vacancy of KL 36 5225].

This authority perused the directions contained in the aforesaid judgment. Perused the application and connected documents in detail.

This is an inter district route with a distance of 44.7 km. Out of which 08 kms lies in the jurisdiction of sister RTA Alappuzha. Hence concurrence of RTA Alappuzha is needed.

The route portion from Nehru Stadium Jn. to Baker Jn. [600 meter] objectionably overlaps on Ernakulam – Thekkady notified scheme, from Baker Jn. to Chalukunnu [600 meter] objectionably overlaps on Kottayam – Neendoor Complete Exclusion scheme, from KSRTC Cherthala to Boy’s School Jn. [300 meter] objectionably overlaps on Trivandrum – Kannur scheme, from Irumpupalam Jn. to Court Jn. [200 meter] objectionably overlaps on Trivandrum – Kannur scheme, from Vaikom KSRTC to Link Road [1.2 km] objectionably overlaps on Ernakulam – Thekkady Scheme vide GO[P] No 42/2009 Trans dtd 14/07/2009, which is further modified by GO[P] No 08/2017/Tran dtd 23/03/2017. The total distance of overlapping in the proposed route is 2.9 KM ie, 6.48 % of the total route length of 44.7 km. **These overlapping not come under the permissible limit** as per GO(P) No. 8/2017 Trans dated 23/03/2017. Hence there is legal impediment to grant the permit.

Moreover, the vehicle KL 05 J 2322 completed its 15 years on 26/03/2015. Hence, not fit for the issue of fresh regular permit. No vehicle was offered by the applicant as specified in the decision of STA held on 14/06/2017 in Departmental item No. 2.

During the meeting, the applicant requested to adjourn the application and consider the application as **Vaikom Thekkenada – Kottayam- Cherthala** instead of Vaikom – Kottayam – Cherthala.

Hence this authority decided that

1. peruse the Judgment dtd 16/07/2018 of Honorable High Court in WP[c] No 23151 of 2018.
2. The application submitted for fresh regular permit in respect of S/C KL 05 J 2322 or suitable vehicle on the route Vaikom – Kottayam- Cherthala is **adjourned** on the request of the applicant and Secretary RTA is entrusted to place the matter before the ensuing RTA, after hearing to the applicant.

Item No. 05

Heard the learned counsel represented the applicant, KSRTC and other objectors.

This is to peruse the Judgment dtd 27/07/2018 of Honorable High Court in WP[c] No 24160 of 2018 and to consider the application for the grant of **fresh regular permit** in respect of SC **KL 05 M 7344 / or suitable vehicle** to operate on the inter district route **MANDIRAM - CHERTHALA** via, Homeo College, Thannimoodu, Malikakadavu, Pulimoodu, Chethipuzha, Kurisummoodu, Changanacherry, Nalunnakkal, Pandanchira, Njaliakuzhy, Pannimattam, **Cement Jn., Thiruvathukkal**, Illickal, Kumarakom, Bund Road, & Varanadu. and **return trip** from **CHERTHALA** via, Varanad, Kumarakom, Illickal, **Mini Civil Station, Thirunakkara, Nagampadam, Railway station, Rubber Board, Kanjikuzhy**, as **Ordinary Service**.

This authority perused the directions contained in the aforesaid judgment, and perused the application and connected documents in detail.

This is an inter district route with a distance of 102.2 km. Out of which 08 kms lies in the jurisdiction of sister RTA Alappuzha. Hence concurrence of RTA Alappuzha is needed. A distance of 2.4 kms from Cement Jn. to Parechal Jn is virgin and the Road fitness from PWD [Roads] Kottayam has been received.

The vehicle KL 05 M 7344 is not owned by the applicant, and completed its 15 years on 24/09/2017, hence, not fit for the issue of fresh regular permit. No suitable vehicle was offered by the applicant as specified in the decision of STA held on 14/06/2017 in Departmental item No. 2.

The route portion from Changanacherry to Kurisummoodu [02 km] objectionably overlaps on Changanachery – Changanachery Circular Scheme, from Mulamkuzha to Cement Kavala [300 meter] objectionably overlaps on Kottarakkara – Kttayam Scheme from Cherthala KSRTC – Apsara [300 meter] objectionably overlaps on Trivandrum – Kannur Scheme from Cherthala to Irumpupalam [200 meter] objectionably overlaps on Trivandrum – Kannur Scheme **from Seematti Round to Baker Jn. [100 meter] Objectionably overlaps on Kottayam Neendoor Complete Exclusion Scheme**, from Baker Jn. to Gomathi Pump Jn. [600 meter] overlaps on Ernakulam – Thekkady Scheme, from Collectorate Jn. to Kanjikuzhy [1 km] overlaps on Ernakulam – Thekkady Scheme as per GO[P] No 08/2017/Tran dtd 23/03/2017.

The total distance of overlapping in the proposed route is 4.5 KM ie, 4.40 % of the total route length of 102.2 km. These overlapping come under the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017.

The Government issued a Notification No 34626-TC2/64/PW dtd 06-05-1965 introducing a new scheme Kottayam – Neendoor via, Medical College for the operation of stage carriages. The Scheme is issued in Form No 1, of Rule 3 of KMV Rules 1960 and when the scheme is published in Form No. 1, it is a Complete Exclusion Scheme and there is no provision in the scheme for granting any new permit on the entire route or portion thereof to the private operators. It is also be noted that the constitutional Bench of Honorable Supreme Court in M/s Adarsh Travels Bus Service and another Vs State of UP and others [AIR 1986 SC 319] and G T Venkataswamy Reddy Vs State Transport Authority & others dtd 19/07/2016 [Civil Appeal No 480 of 1998] held that “no private operator can operate his vehicle on any part or portion thereof a notified area or route unless authorized so to do by the term of the Scheme itself.” So the applicant is not entitled to get fresh regular permit. Hence the application for fresh regular permit is **Rejected**.

Item No. 06

Heard the learned counsel represented the applicant and KSRTC.

This authority re considered the application and connected documents in detail. This is an application for the grant **fresh regular permit** in respect of SC **KL 05 P 7117 / or suitable vehicle** to operate on the route **Vaikom – Piravam Via** Vazhamana, Muttungal, Korickal, Thalayolaparambu, Palamkadavu, Brahmamangalam, Neerpara, Varikkamkunnu, Irittanikavu, Cherukara, Velloor, Vattapara, Kalambookavu **as ordinary service**.

This application was considered by the **RTA Kottayam held on 25/04/2018** vide item No 05 and **Adjourned** with a direction to the Secretary to place the matter before the RTA after obtaining Road fitness Certificates from the concerned authorities and on production of the records of a later model vehicle which is not older than 8 years from the date of registration for considering the application for fresh permit. Registration validity of S/C KL 05 P 7117 was expired on 11/09/2018

Now the Road fitness Certificates have been received from the Asst. Engineer, LSGD Section, Velloor Grama Panchayat & Asst. Engineer PWD Roads Section, Vaikom.

Route portion from Vaikom to Perinjila Bridge [1.2 km] and from Thalayolaparambu Bus Stand to Theatre Jn. [200 meter] objectionably overlaps on Trivandrum, Cannanore via Kottarakkara scheme vide GO[P] No 08/2017/Tran dtd 23/03/2017. The total distance of overlapping in the proposed route is 1.4 KM ie, 3.74 % of the total route length of 37.4 km. These overlapping come under the permissible limit as per GO (P) No. 8/2017 Trans dated 23/03/2017. The applicant has not produced the records of a later model vehicle as specified in the decision of STA held on 14/06/2017 in Departmental item No. 2.

However, the Fresh Regular permit **granted to a later model** vehicle owned or possessed by the applicant, which is not older than 08 years from the date of registration, having same seating capacity or more, on the above route subject to settlement of timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

The grantee is directed to produce the records of a later model suitable stage carriage and current records of vehicle if any possessed by him within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked.

Item No. 07

Heard the learned counsels represented the applicant. Considered the application for the grant of **fresh Regular Reserve Permit** in respect of SC **KL-05-AA-361** for a period of 05 years from the date of issue.

Fresh Regular Reserve Permit is granted to SC **KL-05-AA-361** to operate as Reserve stage carriage in place of the following 06 stage carriages on their respective routes.

Regn No	Route	Permit No
KL 05 AB 5597	Vaikom – Kottayam as O.S.	5/10012/2001
KL 05 AK 8787	Vaikom – Kottayam as O.S.	5/115/2000
KL 05 AM 6300	Kottayam – Vaikom as O.S.	5/08/1999
KL 05 AM 8100	Vaikom - Kottayam as O.S.	5/41/1990
KL 36 B 1710	Vaikom - Kottayam as O.S.	5/10103/2000

KL 05 W 2548	Kottayam – Ettumanoor as C.O.	5/53/1996
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The grantee is directed to produce the current records of vehicle within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked.

Item No. 08

Heard the learned counsels represented the applicant. Considered the application for the grant of **fresh Regular Reserve Permit** in respect of SC **KL-05-U-4212** for a period of 5 years from the date of issue. Out of the 07 permits of the vehicles, 06 permits are seen issued by the RTA Pathanamthitta.

However, the **Fresh Regular Reserve Permit is granted** to SC **KL-05-U-4212** to operate as Reserve stage carriage in place of the following 07 stage carriages on their respective routes.

Regn No	Route	Permit No
KL 05 AA 4410	Chungappara – Kottayam as O.S.	5/35/1997
KL 05 Y 265	Kozhenchery – Kottayam as O.S.	3/01/1991
KL 05 AM 744	Pandalam – Kottayam as O.S.	3/05/1992
KL 05 X 9612	Kottayam – Ranni as O.S.	3/10057/1997
KL 05 AB 6240	Pandalam – Kottayam as O.S.	3/10002/1991
KL 05 AB 9874	Kottayam – Pathanamthitta as O.S.	3/100056/1997
KL 05 Y 8066	Adichippuzha – Kottayam as O.S.	3/100016/1999

The grantee is directed to produce the current records of vehicle within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked

Item No. 09

Heard the learned counsel represented the applicant.

This authority considered the application and the connected documents in detail.

This is the request for **allowing maximum time** for producing current records of a suitable vehicle for availing fresh regular permit granted by the RTA Kottayam dtd

25/04/2018 in respect of S/C KL 40 H 4676 / or suitable vehicle on the route KUZHIMAVU – MUNDAKAYAM – 504 COLONY as ordinary service.

The maximum time permissible U/R 159 [2] of KMV Rules is four months. In this case, the communication of the decision of this authority dtd 25-04-2018, vide Item No 01 was received by the grantee on 09/06/2018. The maximum time of 04 months for producing the records of a suitable vehicle as specified in the decision of STA held on 14/06/2017 in Departmental item No. 2 was expired on 08/10/2018.

Hence, the request is **rejected** and the sanction of this authority dtd 25/04/2018, vide Item No 01 is **revoked**.

Item No. 10

Heard the learned counsel represented the applicant.

This authority considered the application and the connected documents in detail.

This is an application for renewal of intra district regular permit in respect of **S/C KL 39 5070** on the route **Palakkattu Church - Kanjirappally** via, Cherupushpam, Vayanassala Jn, Pala, Paika, Manchakkuzhy, & Thampalakkadu. as ordinary service for a further period of 5 years from the date of expiry. **This permit is a saved permit.**

As per sub section 6 of Sec. 51 of MV Act the registered owner shall, before applying the appropriate authority, for the renewal of permit under Sec. 81, the person [the financier] whom the registered owner has entered into the said agreement for the issue of a no objection certificate.

As per sub section 7 of Sec. 51 of MV Act within seven days of the receipt of an application under sub-section [6], the financier may issue or refuse, for reasons which shall be recorded in writing and communicated to the applicant, to issue, the certificate applied for, and where the financier fails to issue the certificate to the applicant within the said period of seven days, the certificate applied shall be deemed to have been issued by the financier.

As per sub section 8, the registered owner shall, while applying to the appropriate authority for the renewal of permit under Sec. 81 of MV Act, submit with such application the certificate, if any, obtained under sub-section [7] or, where no certificate has been obtained, the communication received from the financier under

that sub-section, or as the case may be, a declaration that he has not received any communication from the financier within the period of seven days specified in that sub section.

As per Sec. 51[9] reads “on receipt of the application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this Act,-

(a)in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity to being heard, either-

(i)renew or refuse to renew the permit, or

(b)in any other case,-

(i)renew the permit

Shall communicate [by registered post acknowledgment due] to the financier that such entry has been made.

On combined reading of the above sub-sections of Sec. 51 of MV Act, NOC issued by the financier is necessary for renewing a permit. If the financier not issued or refused on the application submitted by the registered owner for NOC, after seven days from the receipt of the communication from the registered owner, the NOC shall be deemed to have been issued by the financier. If the NOC has not been obtained from the financier, a declaration that the registered owner has not received any communication from the financier within the period of said seven days.

In this case, the financier Shriram Transport Finance Co. ltd, Kottayam has submitted a written objection against the renewal of permit of S/C KL 39 5070. The financier has stated that the permit holder has defaulted the payment of the hypothecation agreement and now a huge amount of Rs 9,35,125/- is due.

In this circumstances, this authority considered the application for renewal of regular permit of S/C **KL 39 5070** on the route Palakkattu Church - Kanjirappally is **rejected.**

Item No. 11

Heard learned counsel represented the applicant.

This is to peruse the order of Hon'ble STAT in MVARP No. 197/2015, dated 02/06/2018 and to re-consider the application for condonation of delay in submitting the application and the belated application for renewal of intra district regular permit in respect of S/C KL 05 K 6834 on the route Kaippuzhamuttu - Palamkadavu via, Bund Road, Ullala, Vaikom & Toll as ordinary service for a further period of 5 years from the date of expiry.[Permit No. 5/24/2005]

This authority was considered this application at its meeting held on 12/11/2015 vide item No 51 as follows.

- 1) Perused the Judgment in WPC 20898/2015.
- 2) As per Rule 81(2) of the MV Act 1988, a permit may be renewed on an application made not less than 15 days before the date of its expiry. In this case the regular permit covered with the vehicle was expired on 20/02/2015 and the renewal application is submitted on 08/07/2015. It is noticed that the tax in respect of the vehicle is in arrears from 01/10/2010 and the Certificate of the fitness expired on 15/08/2011. Hence it is proved that the permit holder has not served any public interest. This authority does not satisfied that the applicant was prevented by good and sufficient cause from making the application in time. Hence delay condonation request is rejected.
- 3) As per Rule 152 of KMV Rules, it shall be a condition of the every transport vehicle that the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and that the permit is liable to be suspended/ cancelled, if the vehicle has not been used for the purpose for which the permit was granted, for any day in the case of a stage carriage. In this case, SC KL 05 K 6834 covered with the regular permit has defaulted service for which the permit was granted since January 2010 and has not served any public interest. More over tax in respect of SC KL 05 K 6834 is in arrears from 01/10/2010, which reveals that the financial condition of the applicant is not sound. Under these circumstances Regular permit renewal application is rejected.
- 4) This is an intra district route having a total length of 26 Km out of which 06 Km from Vaikom to Chempu objectionably overlaps on the notified route beyond the permissible limit as per GO(P) No.42/2009 Trans dated 14/07/2009. Hence application for the grant of TP U/S 87(1) c of MV Act is rejected.

Against the rejection the applicant produced an order from the Honorable STAT in in MVARP No. 197/2015, dated 02/06/2018. In this order Hon'ble STAT ***directed to reconsider the application for condonation of delay as well as renewal of permit submitted by the revision petitioner on merits and pass orders in accordance with law within two months from the date of receipt of the copy of this order after hearing both sides. Hon'ble STAT also directed to the petitioner to clear the entire tax arrear of the vehicle on or before 30/06/2018.***

This authority perused the directions contained in the aforesaid Order. Perused the application and connected documents in detail. As per the order of **Honorable STAT**

the petitioner has to clear the entire tax arrear of the vehicle on or before 30/06/2018. In this case the petitioner has not cleared the arrear tax till now.

Hence this authority is in view that the reason specified in the above decision as in 2, and 3 has still in relevance. Hence the decision taken by this authority dtd 12/11/2018 vide item No 51 is **upheld**.

Item No. 12

Heard the learned counsel represented the applicant.

This is to peruse the Order dtd 06/09/2018 of Honorable STAT in MVAA No 275/2017 and to re-consider the application for renewal of permit in respect of leased S/C **KL 35 B 4025** on the route **Kodungoor - Cherthala** via, Pallickathodu, Poovathilappu, Ayarkunnam, Ettumanoor, Athirampuzha Market Jun, University, Attukaran Kavala, Pravattom Jun, Neendoor , Kallara, Perumthuruth, Edayazham, Bund Road & Thanneer Mukkam as ordinary service for a further period of 5 years from the date of expiry. This permit is issued after 14/07/20018, hence not comes under the purview of saved permit.

This authority perused the directions contained in the aforesaid Order. Perused the application and connected documents in detail.

This application was considered by the RTA Kottayam held on 30/11/2017 and rejected on the ground that a distance of 1.6 kms objectionably overlaps on Kottayam – Neendoor Complete Exclusion scheme.

As per Order dtd 06/09/2018 of Honorable STAT in MVAA No 275/2017 set aside the decision of this authority and directed to re-consider the application and pass orders in accordance with law within two months after hearing all the parties concerned and shall grant renewal if there is no other legal impediments.

On 25/10/2018, an Order of Honorable High Court of Kerala in WP[c] No 34728/2018[M] filed by another operator, to stay the operation and all further proceedings pursuant to the Order of Honorable STAT in MVAA No 275/2017, pending disposal of the writ petition. The Honorable High Court ordered that if renewal of regular permit is not already granted in terms of the Order, the same shall be deferred for a period of 10 days from 25/10/2018. The stay is up to 03/11/2018 and is extended up to one week also.

Hence this authority is in view that not to proceed further in this matter till the disposal of the WP[c] No 34728/2018 of Honorable High Court of Kerala.

Hence **Adjourned**.

Item No. 13

Heard learned counsel represented the applicant.

This is to consider the application for renewal and replacement of vehicle in respect of S/C KL 06 8357 on the route Nerekadavu – Velloor.

This authority verified the application and connected documents, perused the judgments of Honorable Court and STAT in detail.

Smt. Mini Dileep, Kavilkandathil, North Gate, Vaikom is the registered owner and the permit holder of Stage Carriage **KL-06-8357**, on the route **Nerekadavu - Velloor**. The regular permit covered with the vehicle was expired on 09/08/2010. Its belated renewal application was granted by RTA Kottayam held on 23/11/2011. But the applicant could not produce the current records of the vehicle within the prescribed time limit. Hence this authority revoked its grant on the renewal application in its sitting dtd 15/12/2012. RTA, Kottayam held on 16/02/2013 again considered the application for renewal of permit in the light of the Judgment in WP[C] 23075/2011 of Honorable High Court and granted the renewal of permit on production of current records of SC KL-05-P-7180 and after remittance of tax arrears of the former vehicle KL-06-8357. Subsequently the permit holder filed WP[C] No. 6225/2012 and in its Judgment in Honorable High Court ordered to re determine the liability to pay tax afresh within 2 months. Accordingly the tax liability was re determined and issued Proceedings vide Order No.C4/7873/2013/K dtd 18/10/2013 to the registered owner, to realize an arrear amount of Rs 109670+ Addl. tax. More over Regional Transport Officer, Kottayam had filed WA No.335/2014 before the learned Division Bench of Honorable High Court of Kerala against the Judgment in WPC No.6225/2012 dated 19/06/2013. The renewal of regular permit application was again considered by the RTA, Kottayam held on 14/05/2015 and decided as “Secretary RTA is directed to hear the applicant and also submit the present stage of WA 335/2014 and place before next RTA. Hence adjourned”.

The learned Division Bench of Honorable High Court of Kerala dismissed the WA No 335/2014 dtd 27-07-2016 and against the Judgment, The Secretary to Government, Taxes department had filled SLP as state of Kerala Vs Mini Dileep and the final Judgment received from the Honorable Supreme Court and disposed the SLP [C] CC 881/17 WA 335/14 filled by State of Kerala. The matter being so, the permit holder was not willing to remit the re determined tax. **Temporary permit was continuously issued to the stage carriage KL-05-P-7180 on the basis of the orders obtained by the applicant time to time.**

The matter was again considered by this authority held on 25.04.2018 and adjourned for clearing tax liability. As directed by this authority 25.04.2018, direction was issued Secretary RTA to remit the tax arrears up to 30.06.2018 in respect of S/C KL-06-8357, amounting to Rs.2,40,044/-. Against the demand of tax, the registered owner filed WP[C] No. 16850/2018 before the Honorable High Court. As per the

Judgment, the Honorable High Court **directed to the permit holder to remit the tax arrears under one time settlement scheme introduced by government, amounting Rs.49,491/- towards the tax arrears up to 30.06.2018 and directed to Secretary, RTA to accept the amount towards full and final settlement of liability of the petitioner under the Act, and also directed to the respondent that on payment of the said amount, the permit of the petitioner shall be renewed “if the same is otherwise in order”**. Hence the applicant remitted Rs. 49,491 on 28.06.2018 as tax arrears up to 30.06.2018. But the permit in respect of the stage carriage KL-06-8357 could not be renewed since the vehicle had already attained 15 years of age. The permit holder was filed application for replacement of S/C KL-06-8357 by a later model S/C KL-05-P-7180 on 28.06.2018.

Meanwhile, the registration validity of KL 05 P 7180 was also expired on 22.09.2018 and on 05.10.2018, the applicant applied for the replacement of stage carriage KL-06-8357 with a later model S/C KL-40-5553. For considering the application for replacement, the records of both the vehicles are to be current. But the tax in respect of outgoing vehicle KL-06-8357 is due from 01.07.2018 and the registered owner has not filed any form G [prior intimation of non-use] from 01.07.2018 to claim tax exemption. Hence the Secretary RTA directed the petitioner to remit the tax arrears from 01.07.2018 in respect of S/C KL-06-8357 to consider the application for replacement and place the matter for the consideration of this authority.

This authority perused the directions contained in the Judgment in WP[C] No.16850/2018 dtd 22.06.2018, of Honorable High Court. This authority is in view that the applicant has cleared tax arrear in respect of S/C KL 06 8357 and produced a later model vehicle S/C KL 40 5553 for replacement as directed by this authority dtd 25/04/2018.

Hence, the Replacement of vehicle with KL 40 5553 **granted** and Renewal of regular permit from 10/08/2010 to 09/08/2015 and from 10/08/2015 to 09/08/2020 is **granted**.

Item No. 14

Heard the learned counsel represented the applicant.

This is to consider the application for condonation of delay in submitting the renewal application in respect of S/C KL 05 T 9779 on the route Pallickathodu – Medical College in time along with renewal of regular permit application.

This authority perused the application and connected documents in detail. This is a saved permit. Reason specified in the condonation request is satisfactory.

Hence 1.**Delay condoned.**

2.Renewal of regular permit in respect of S/C KL 05 T 9779 on the route Pallickathodu – Medical College is **granted**.

Item No. 15

Heard learn counsel represented the applicant and KSRTC.

This is to peruse the **Order in M.V.A.R.P No.435/2012 of Honorable STAT dated 06/07/2018 and to reconsider** the adjourned application for the renewal of regular

permit in respect of SC KL 06 9273 on the route Kurichy – Kattappana Via Chanagnacherry, Karukachal, 14th Mile, Ponkunnam, Kanjirappally, Mundakkayam, Kutikkanam, Elappara and Chappathu for a further period of 05 years from 08/03/2007 onwards.

This authority perused the order of the Honorable STAT dtd 06/07/2018 and connected documents in detail.

Sri. C S Varkey, Cheriyanithottathil, Changanacherry is the holder of the regular permit on the route Kurichy – Kattappana with a leased S/C KL 06 9273 owned by one K J John, Kanjirathummoottil H, Kanjirappally. The regular permit was expired on 08/03/2007.

On 30/03/2004 he had replaced his existing vehicle with a later model SC bearing Registration No. KL 06 9273 owned by Sri. K J John, Kanjirathummoottil H, Kanjirappally on the strength of a lease deed dated 30/03/2004 executed between Sri. K J John as the 1st party and Sri. C S Varkey (appellant) as the 2nd party. Clause 3 of the possession deed reads that, the 2nd party is liable to remit the vehicle tax in time. However, In case the 2nd party commits default, the ultimate liability to remit tax shall be with the 1st party.

The permit renewal application along with application for the issue of 04 Month Temporary permit U/S 87(1) d of MV act to SC KL 05 T 5024 was placed before the **RTA Kottayam held on 16/10/2008** in the light of Judgment in WP© 14742/2008 of Honble High Court of Kerala and has adjourned with the following decision.

- 1) Perused the Judgment.
- 2) (i) Considered in detail. The route objectionably overlaps on the notified route Trivandrum-Thekkady. This is the violation of notification No.6122/B1/Tran dated 15/09/08.As per clause 04 of the said notification permit is not renewable, TP only can be issued. Hence adjourned without prejudice to the right of the applicant to approach the Secretary for TP under above clause.
(ii) NOC of the financier is not produced.
(iii) Application for replacement of vehicle not submitted. Hence Adjourned.

On 25/03/2008 the permit holder submitted application for the replacement of the vehicle with later model SC KL 05 T 5024 which is owned by Sri. Sunny George, Kondodickal stating that the permit holder Sri. C S Varkey taken possession of the vehicle KL05 T 5024. The said application along with regular permit renewal application placed before the **RTA Kottayam dated 20/08/2011** has adjourned with the following findings.

- 1) Heard. The route bus KL 06 9273 is held under HPA with M/S KTDFC Trivandrum. The permit holder has not submitted the NOC from the financier even after the expiry of 04 years.
- 2) The secretary RTA has reported that the tax in respect of the outgoing vehicle KL 06 9273 is in arrears. Hence the Secretary RTA is directed to call for NOC

from the financier and also assess the total amount of tax due from the permit holder.

On 27/02/2010, Joint regional Transport Officer, Kanjirappally forwarded the Registration certificate in respect of SC KL 6 9273 along with service verification report. As per the records, M/S KTDFC Trivandrum was issued Form 35 along with No objection certificate for canceling the HP Agreement. As per the page No 42 of RC, an endorsement was made but the Joint RTO was not signed in the RC. Hence the Hypothecation is not terminated. SC KL 06 9273 attained 15 years on 07/03/2011 and tax due in respect of the vehicle is amounting to Rs 12,11370/- for the period from 01/07/2004 to 31/03/2011. As per the enquiry report dated 09/10/2009 of Sri P G Kishore AMVI Kanjirappally, it is reported that SC KL 06 9273 was dismantled and sold as scrap (as per the version of Registered owner) but no evidence received regarding the same.

Again the permit holder filed application for renewal of regular permit for a further period of 05 years from 08/03/2012.

This Item was placed before the **RTA meeting dtd 17/03/2012** as in vide item No 37 and RTA took the following decision in vide order No C4/12840/2007/K.

“Heard .This authority considered the matter in details and adjourned with following details.

- 1.Applicant will clear the arrear of tax Rs-12,11,370/- and approach this authority as and when tax is cleared.
- 2.Secretary will place the matter before the authority immediately only clearance of tax.”

Against the decision of this authority taken dtd 17/03/2012, the registered owner has filed MVARP No 435/2012 before the Honorable STAT. While pronouncing the order, *the Honorable STAT observed that the application for renewal of permit filed by the revision petitioner was adjourned for the reason that the revision petitioner failed to clear tax arrears. The revision petitioner disputes the alleged tax due. At any rate, the 1ST respondent has imposed a condition to pay tax allegedly due to consider the application for renewal. Sec. 81[4] of the MV Act deals with the rejection of application for renewal. The application for renewal of permit can be rejected only one or other conditions mentioned under Sec. 81 of the MV Act. Of course Sec. 81 [3][b][i][1] of the MV Act says that the application for renewal of permit can be rejected if the vehicle is plied without paying the tax. But the 1st respondent [RTA Kottayam] cannot insist the payment of disputed tax in advance for the consideration of the application for renewal. For all these reasons, I am in view that the impugned order is not sustainable and is liable to be set aside. In this result, the revision petition is allowed. The impugned order is set aside. The 1st respondent is **directed to reconsider the application for renewal of permit afresh on***

merits and pass orders in accordance with law in the light of the observations made above.

This authority considered the application. It is clearly observed that the vehicle KL 06 8357 is in arrear and the taxation authority has intimated this due to the registered owner and the permit holder who is the possessor of the stage carriage which was operating on the regular permit on lease agreement. It is evident that the permit holder was well aware of the tax arrear of the stage carriage which was leased by him. As per section 3 of the Kerala Motor vehicles Taxation Act, The registered owner of, or any person **having possession** or control of a motor vehicle shall liable to pay the tax..

As per the lease deed dated 30.03.2004, appellant is in possession of the vehicle KL 06 9273. Hence the possessor is also liable to pay the arrear tax. It is mandatory to clear the tax of the vehicle for considering the application for the renewal of permit. In this case the applicant has not cleared the tax arrear yet. This authority perused its previous decisions and it is evident that the applicant had insisted by this authority for the payment of disputed tax for the consideration of the application for renewal.

Hence this authority decided as

“On consideration, this authority felt that this matter is totally revolved around the tax arrears of SC KL 06 9273, the route bus. An amount of Rs 1211370/- is in arrears to SC KL 06 9273. The permit holder trying to evade from the payment of tax on the stand that the registered owner of the vehicle alone is liable to clear the tax arrears. As per Section 3(03) of the Kerala Motor Vehicle Taxation Act, the registered owner of, or any person having possession or control of a motor vehicle shall, for the purpose of this Act, be deemed to use or keep such vehicle for use in the State, except during any period for which no tax is payable on such motor vehicle under sub section (1) of Section 5. As per the lease deed dated 30/03/2004, appellant is in possession of the vehicle KL 06 9273. In this case SC KL 06 9273 has not submitted prior non use intimation as per Section 05 of the KMVT Act. Hence the appellant could not evade from the payment of arrears of SC KL 06 9273. Moreover it is evident from the Registration Certificate of the vehicle received from Joint RTO Kanjirappally that the registered owner has not cleared even the installment facility granted by the Government during the period from 01/10/04 to 31/12/04 and the vehicle is said to be dismantled. It is further noticed that the lease agreement made between the appellant and the registered owner of SC KL 05 T 5024 has expired on 21/02/2013. There cannot be a renewal of permit in vacuum without the vehicle. The object of the renewal of permit is to ensure uninterrupted operation of service on the route. Usman V. Regional Transport Authority [2015 (4) KLT 25] has clearly ordered that not to grant renewal of permit and replacement of vehicle simultaneously. Moreover stage carriages owned by both STU and private operators are operating sufficient trips on the

applied route portions and the route is objectionably overlaps notified routes exclusively reserved for the STU. Since tax in respect of the vehicle which covered by the regular permit is in arrears, the regular permit renewal application is cannot be entertained. Even though the decision of the RTA Kottayam dtd 20/08/2011 and 17/03/2012 was communicated, the permit holder has not complied the order of this authority till date. Therefore the application for renewal of permit is rejected.

Item No. 16

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 05/11/2002** in respect of the Stage Carriage S/C **KL 17 D 665** on the route **MALLAPALLY-CHAGANACHERRY** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No. 17

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 78 /1999** in respect of the Stage Carriage S/C **KL 05 AA 3154** on the route **Ponkunnam – Erattupetta** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No. 18

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/100015 /2004** in respect of the Stage Carriage S/C **KL 02 Z 3330** on the route **Changanacherry – Medical College** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No. 19

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 73 /1996** in respect of the Stage Carriage S/C **KL 34 F 2101** on the route **Kissumum – Erumely** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No. 20

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 1123 /2001** in respect of the Stage Carriage S/C **KL 36 5535** on the route **Velloor – Vaikom** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No. 21

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 15 /1996** in respect of the Stage Carriage S/C **KL 16 D 4302** on the route **T V Puram – Brahmamangalam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 22

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 113 /1994** in respect of the Stage Carriage S/C **KL 05 Y 4947** on the route **Kottayam – Ettumanoor** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 23

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 20 /2002** in respect of the Stage Carriage S/C **KL 35 6636** on the route **Umikkuppa – Kottayam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 24

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 10010 /2005** in respect of the Stage Carriage S/C **KL 05 AB 6566** on the route **Ettumanoor – Kottayam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 25

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 320 /2006** in respect of the Stage Carriage S/C **KL 05 AL 6764** on the route **Kayyoor - Kottayam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 26

Applicants absent. Hence the decision is Adjourned.

Item No. 27

Heard, the learned counsel represented Smt. Sunila Shaji the legal heir. Transfer of permit [death] of vide **Permit No 5/ 101016 /2004** in respect of the Stage Carriage S/C **KL 05 AA 9653** on the route **Kottayam – Ayarkunnam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 28

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 66 /2005** in respect of the Stage Carriage S/C **KL 05 AL 8256** on the route **Cherthala – Kottayam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 29

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 1429 /2015** in respect of the Stage Carriage S/C **KL 03 L 9181** on the route **Changanacherry – Thiruvalla** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 30

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 121 /2000** in respect of the Stage Carriage S/C **KL 34 B 7081** on the route **Naranamthodu – Ponkunnam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 31

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 147 /2001** in respect of the Stage Carriage S/C **KL 07 BG 7020** on the route **Thodupuzha – Vaikom** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 32

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 7094 /1994** in respect of the Stage Carriage S/C **KL 33 G 9014** on the route **Kottayam – Ernakulam Kaloor B.S.** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No. 33

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit of vide **Permit No 5/ 1216 /2012** in respect of the Stage Carriage S/C **KL 02 S 7686** on the route **Peruva – Kuravilanagadu B.S.** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No. 34

Heard the learn counsel represented the applicant and KSRTC.

1.Perused the judgment of Honorable High Court of Kerala in WP[c] No 23166/2016 [U] dtd 12/08/2016 and the judgment of Honorable STAT in MVAA No 107/2017 dtd 24/05/2018.

2.Perused the Decision dtd 02/02/2017, vide Item No 04 of this authority.

3.This authority reconsidered the application for variation of permit in respect of S/C KL 11 X 3137 in the light of the judgments of the Honorable Courts.

4.Considered the application for transfer of permit.

This authority perused the directions contained in the aforesaid Order and considered the application, verified reports, connected documents and file in detail.

The variation application was considered by this authority held on 02/02/2017 **Conversion of service as LSOS granted.** Enquiry officer reported that the proposed extension is beneficial for the travelling public but the curtailment will badly affect the public in Parappally – Kizhprayar Sector. The deviation from Pala Stadium Kavala to

Kappadu is not beneficial to the public. The proposed variation not warranting U/R 145(6) of KMV Rules. Hence rejected.

Aggrieved by the above decision the applicant filed appeal before the STAT and STAT dismissed appeal in MVAA No.107/2017 dtd 10/05/2018 Again the applicant filed petition before the Hon'ble High Court in WPC No.26630/2018 against the decision of RTA. The Hon'ble High Court was disposed the case on 24/05/2018 with a direction to 1st respondent [RTA Kottayam] to re-consider the application for variation sought for by the appellant afresh and pass orders in accordance with law within two months from the date of receipt of copy of this judgment after hearing all the parties concerned. The applicant was heard on 31/07/2017.

On the basis of the direction of the Honorable High Court, this authority reconsidered the matter in detail. Hence it is decided as

1. Perused the Judgment.

2. Perused the decision.

3. The total distance of variation is 27.3 kms which is exceeding the permissible limit as per Sec. 80[3] of MV Act. The proposed curtailment is badly affected the travelling public since curtailing portion from Kappadu to Pala via Edamattom is an ill served area, hence **rejected**. Conversion of LSOS **granted** subject to settlement of timings timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

4. Transfer of permit **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No. 35

Heard learn counsel represented the applicant and KSRTC.

This is to Peruse the Judgment in WA 1098/2018 dated 15/03/2018 of Honorable High Court of Kerala and to reconsider the application for **variation of regular permit** in respect of **KL 33 D 959** on the route **KOTTAYAM - RANNY - VADASSERIKKARA** Via, Manarcadu, Pampady, Kodungoor, Chamampathal, Manimala, Plachery, Ranni & Edakkulam as **KOTTAYAM- RANNY** Via, Manarcadu, Pampady, Kodungoor, Chamampathal, Manimala, and Plachery, Curtailing the route portion from Ranni to Vadasserikara.

This authority perused the directions contained in the aforesaid Order and verified connected documents and file in detail. This is an application for the curtailment of route portion from Ranni to Vadasserikara without change in existing timings. At

present the stage carriage is operating only one trip to Vadasserikkara. Hence variation of regular permit is **granted** subject to settlement of timings.

Item No. 36

Heard learned counsel represented the applicant and KSRTC.

This is to reconsider the **application for conversion of service as LSOS in respect of S/C KL 34 C 1427** on the route Elamcadu - Ernakulam Kaloor Bus Stand and the renewal of regular permit also.

This authority considered the matter in detail. During the meeting only timings objection has been raised.

Hence the conversion of service as LSOS **Granted** without altering the present departure time from Vytilla Hub and Elamkadu Top and subject to settlement of timings.

Item No. 37

Heard the learned counsel represented the applicant and KSRTC.

This is to peruse the Judgment in WA 1098/2018 dated 15/03/2018 and in WPC No 23088 of 2018 dtd 11/07/2018 of Honorable High Court of Kerala and to reconsider the application for variation of regular permit in respect of KL 35 E 1647 on the route ERNAKULAM- MUNDAKKAYAM Via, Vyttila, Thrippunithura, Puthiyakavu, Kanjiramattom, Thalapara, Thalayolapparambu, Palai, Ponkunnam, and Kanjirappally as LSOS as **ERNAKULAM- PAMBAVALLEY by extending from Mundakkayam to Pambavalley as LSOS with halting and termini at Pala instead of Thalayolaparambu and to** consider the application for temporary permit in respect of KL 35 E 1647 on the proposed extended route Mundakayam –Kanamala via, Puthenchanda, Vandanpathal, Pachima Temple, Kottaramkadu., Kuzhimavu, Mookkapetty.

This authority perused the directions contained in the aforesaid Order and considered the application, verified reports, connected documents and file in detail

As per the clause 19 of the notification “The STU reserve the right to operate additional services or increase the number of trips on each route on the notified route. The applied variation portion from mundakayam to cosway Jn. [100 meter] and from Pala to Kottaramattom [1.5 kms] objectionably overlaps on notified scheme Kottayam – Thekkady and Kottayam – Kattappana. Hence this is the violation of clause 19 of GO[P] No 08/2017/Tran dtd 23/03/2017. Hence **Rejected**. As per the prevailing

laws, there is no provision to grant temporary permit on a varied route on temporary permit application. **Hence rejected.**

Item No. 38

Heard the learned counsel represented the applicant and KSRTC.

This is to Peruse the Judgment in WA 1098/2018 dated 15/03/2018 of Honorable High Court of Kerala and to reconsider the application for variation of regular permit in respect of **KL 05 W 504** on the route Changanacherry - Thottackad Hospital Via Kurisumood, Thengana, Perumpanachy, Kurumpanadom and Vettoli **as Thottakkadu Hospital, -Changanacherry in the same via, after curtailing the first trip from Changanacherry, and last trip from Thottackkadu Hospital.**

This authority perused the directions contained in the aforesaid Order and considered the application, verified reports, connected documents and file in detail

This authority considered the application under the provisions of 80 [3] of MV Act. As per Sub Sec. [3] [1] of the Sec. 80 of MV Act, the termini shall not be altered. In this case the existing termini Changanacherry – Thottackadu Hospital are altered as Thottackadu hospital – Chnaganacherry. Hence **rejected.**

Item No. 39

Heard the learn counsel represented the applicant.

To peruse the Judgment in W.A No.1098/2018 & WP[C] No.11825 of 2018 Honorable High Court dated 20/08/2018 and to reconsider the application for variation of regular permit in respect of S/C KL 33 H 8818 on the route Mattakkara – Kottayam as Cherpunkal – Kottayam ie, extension from Mattakkara to Cherpunakl 08 kms, in only one trip with slight change in the existing time with existing regular route without curtailment.

This authority perused the directions contained in the aforesaid Order and considered the application, verified reports, connected documents and file in detail.

We have verified the report of the enquiry officer and he has reported that proposed extension portion ie, from Mattakkara to Cherpunkal, there is no notified portion and hence clause 4 of the notification No GO [P] No 8/2017/Tran dtd 23/03/2017 is not violated. No change in the termini and the proposed extension is

beneficial to the travelling public. It is also to be noted that Section 80[3] is not violating.

Hence, the variation of regular permit is **granted** as per the provisions of Section 80 [3] of MV Act based on the report of route enquiry officer subject to settlement of timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018 and the production of current records of the vehicle within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked.

Item No. 40

Heard the learned counsel represented the applicant and KSRTC.

This is to peruse the Judgment in W.A No.1098/2018 & WP[C] No.11825 of 2018 Honorable High Court dated 20/08/2018 and the judgment in MVARP No 2/2018 of Honorable STAT dtd 10/05/2018 and to re-consider application for variation of permit in respect of **S/C KL-35-9542** operating on the route Pala – Edakkunnam Via, Bharanamganam, Panackapalam, Erattupetta, Thidanadu, Pinakkanadu, Kanjirappally **as** Pala – Edakkunnam, with a curtailment of one round trip from Kanjirappally to Edakkunnam and Edakkunnam to Kanjirappally at 12.00 noon.

This application was already considered and rejected by this authority held on 30/11/2017 vide item No 94 in light of the clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017.

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVARP No 2/2018 dtd 10/05/2018. As per the direction from STAT, this authority re-considered the matter in its meeting held on 20/06/2018 vide item No 39 and adjourned. The learned counsel represented KSRTC stated that KSRTC has already filed Writ Appeal No 1098/2018 with a prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to stay the operation of the Judgment in WP[c] No 4188/2018 of the learned single Judge of the Honorable Court to the extent it directed reconsideration of granting variations, pending disposal of the Writ Appeal. This Writ Appeal coming on for admission along with connected cases on 08/06/2018 and upon perusing the appeal memorandum, the Honorable High Court passed an Order dtd 08/06/2018 in WA No 1098/2018 found that the issue raised in the W.A. No 1098/2018 requires deeper consideration. Hence 'status quo' shall be maintained

for a period of one month from 08/06/2018. Hence the application for variation of permit was adjourned.

Again the applicant produced copy of the judgment from the Honorable High Court in W.A. No 1098/2018 in WP[c] No 4188/2018, in which the Honorable Court set aside the orders of RTA, Kottayam and directed to consider the requests of the writ petitioners for variation or extension of permit. In case there was no variation or extension as prayed for on the notified routes, the same were directed to be taken up and considered in accordance with the provisions of Section 80(3) of the Kerala Motor Vehicle Act, 1988. It was also made clear that the appellant KSRTC would also be heard orders were passed by the RTA's concerned.

This authority perused the directions contained in the aforesaid Order and considered the application, verified reports, connected documents and file in detail. The enquiry officer reported that if the curtailment /avoiding of trip of Stage Carriage KL-35-9542 departing from Kanjirappally to Edakkunnam at 12.00 hrs is allowed, the time gap will increase to 69 minutes [Kanjirappally to Edakkunnam] and 62 minutes [Edakkunnam to Kanjirappally] which are presently 34 minutes & 32 minutes respectively. This will cause undue hardships to the travelling public on Kanjirappally - Edakkunnam sector & they will be compelled to depend other modes of transport such as parallel services. Already there exists several complaints from public of Edakkunnam area that they are facing travelling difficulty due to the unauthorized curtailment of trip of this Stage Carriage.

The counsel represented KSRTC objected the grant of variation stating that this is the violation of clause 5[c] and 19 of the GO[P] No 8/2017/Tran dtd 24/03/2017.

Moreover, the Secretary and the President Edakkunnam Pournasamithi Reg. No. K 37/12 submitted written objection before this authority that this stage carriage is not conducting the trip which is proposed for curtailment, for several months. The inhabitants in this region is now relying on other mode of travelling facilities and this much cause acute hardship to the travelling passengers. Hence requested that not to grant the variation.

On verification of file, it is noticed that, the vehicle had been booked and fined for 05 times on the same offence of curtailment of trip previously. Hence, this authority is in view that the proposed variation application made by the applicant with a clear intension to avoid complaint against the curtailment of trip of his vehicle.

This authority considered the application in accordance with the provisions of Section 80(3) of the Kerala Motor Vehicle Act, 1988, in detail.

As per Sec. 80[3] of MV Act, any such variation or extension within the limits shall be made only after the transport authority is satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the original route as so varied or extended or any part thereof.

In this case the enquiry officer reported that proposed variation not convenient to the public. Hence **rejected**.

Secretary RTA is directed to submit a detailed report in the next sitting of this authority, regarding the unauthorized trip curtailment of S/C KL 35 9542 on the basis of the submission of Edakkunnam Paorasamithi.

Item No. 41

Heard the learn counsel represented applicant, KSRTC and other objectors.

This is to peruse the order of Hon'ble STAT in M P No.693/18 in MVAA No.235/18, Dated 15/09/2018 and to consider the application for temporary permit for 4 months in respect of S/C KL 06 C 2138 on the route Kottayam – Cherthala in the vacant timings of KL 35 3802.

This authority perused the directions contained in the aforesaid Order verified connected documents and file in detail.

The application for renewal of regular permit in respect of S/C KL 35 3802 on the route Kottayam – Cherthala was considered and rejected by this authority through circulation of file on 15/05/2015 since the financier has objected the renewal. The said application was again considered by this authority in compliance to the judgment in WP[c] No 14415/2018 of Honorable High Court of Kerala, on 20/06/2018 vide item No.07 and rejected on the basis of the objection of the financier.

The applicant has filed MVAA No 235 of 2018 before Honorable STAT with a pray that to issue interim direction under Sec. 214[2] of MV Act, validating the regular permit on the route Kottayam – Cherthala in respect of S/C KL 06 C 2138, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal is disposed of, in the interest of justice.

As pr the interim order dated 16/08/2018 in MP No 629 of 2018 in MVAA No 235/2018, the Honorable STAT ordered that “there shall be a direction under Sec. 2014[2] of the MV Act as prayed for a period of one month.”

The applicant has filed another MP No. 693/2018 in MVAA No 235 of 2018 before Honorable STAT with a pray that to issue interim direction to the Secretary RTA, Kottayam to endorse the Sec. 2014[2] direction in the permit on the route Kottayam – Cherthala in respect of S/C KL 06 C 2138 forthwith, in the interest of justice.

As pr the interim order dated 15/09/2018 in MP No 693 of 2018 in MVAA No 235/2018, the Honorable STAT ordered that “Heard. The second respondent is directed to issue Sec. 214[2] direction in respect of the stage carriage KL 06 C 2138 on the route Kottayam – Cherthala within two weeks.”

The permit holder has also filed an application for temporary permit in respect of S/C KL 06 C 2138 on the route Kottayam – Cherthala in the vacant timings of S/C KL35 3802. The said application can be treated as an application for temporary permit U/S 87[1][c] of MV Act.

This authority considered the application and scope of the Sec. 214[2] of 87 [1][c] of MV Act in detail.

As per section 214 [2] of M V Act 1988, if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of.

On perusal of the files and connected records, the original permit is endorsed with stage carriage KL 35 3802 and no regular permit is issued and rejected in respect of stage carriage KL 06 C 2138. Hence on the strength of the interim order of the Honorable STAT, no further action is possible.

As per Sec. 87 [1] of MV Act - A Regional Transport Authority and the State Transport Authority may without following the procedures laid down in Sec. 80, grant permits to be effective for a limited period which shall, not in case exceed four months, to authorize the use of a transport vehicle temporarily – [c] to meet a particular temporary need.

The Honorable High Court of Kerala in vide judgments in WP[c] No 30359 of 2017 dtd 17/10/2017 and also in W.A. No 993 of 2017 clearly clarified the provisions

should be followed in the consideration of temporary permits. The Hon'ble High Court says "for the grant of temporary permits, the authorities are required to consider the conditions stipulated in Section 87 of MV Act and only if one or other of those conditions is satisfied, then for a limited period stipulated in the said section, temporary permit can be granted." In this case, the enquiry officer reported that at present is no necessity as per Section 87[1][c] of M V Act. Moreover, the route portion from Baker Jn. to Seematti Round 600 meters objectionably overlaps on Kottayam – Neendoor Complete Exclusion scheme. Hence there is legal impediment to grant temporary permit. Hence the applicant is not entitled to grant temporary permit U/S 87[1][c] of MV Act.

Hence this authority is decided that

- 1.the Secretary RTA is directed to take necessary steps to file OP [c] before Honorable High Court against the order of Honorable STAT.
- 2.the application for the temporary permit U/S 87[1][c] of MV Act in respect of S/C KL 06 C 2138 on the route Kottayam – Cherthala is **rejected**.

Item No. 42

Heard; the learned counsel represented the permit holder of stage carriage KL-05-P-4228.

This is the belated application for the replacement of a stage carriage KL-05-P-4228 with another vehicle. This authority considered the application in detail. The above mentioned stage carriage was covered by a valid regular permit on the route Vaikom - Piravom. The vehicle KL-05-P-4228 completed the age of fifteen years on 02/09/2018, and hence thereafter, the vehicle cannot be operated as stage Carriage. Even though the permit holder was well aware to replace the vehicle with another suitable vehicle before completing 15 years of old vehicle covered by the permit, he has not complied the permit condition attached to the permit. Sub Section[1] a of Section 86 of Motor Vehicles Act-1988 stipulates that the transport Authority which granted a permit may cancel the permit or may suspend it for such periods as think fit on the breach of any condition contained in the permit. Here, the permit holder breached the permit condition. **Rule 152 of the Kerala Motor Vehicles Rules, 1989 explained the consequence of failure to use the transport vehicle, as follows.**

“It shall be a condition of the permit of every transport vehicle (other than private service vehicle permit) that the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and that the permit is liable to be suspended or cancelled, after due notice to the permit holder, if the vehicle has not been used for the purpose for which the permit was granted, for any day in the case of stage carriage unless a reserve bus duly authorized in this behalf has conducted substitute service in place of the route bus which defaulted service, and for a continuous period of fifteen days or more in the case of other transport vehicles, during the period for which the permit authorizes the use of the vehicle on the road, unless the State or Regional Transport Authority is satisfied that the permit holder was prevented by sufficient cause from running the service or that the permit holder had obtained the previous permission of the State or Regional Transport Authority to suspend the service for such period during which the vehicle was not operated”.

Here, the permit holder has not offered suitable vehicle before the expiry of the validity of the vehicle to be operated as stage carriage.

Therefore, this authority is of considered opinion that the permit holder is not qualified for the continuance operation of the stage carriage service and he is incapable of maintain a stage carriage providing better service to the public. Hence the application is hereby rejected and the regular permit 5/10017/1996 issued to stage carriage KL-05-P-4228 on the route Vaikom - Piravom is hereby cancelled.

Item No. 43

Heard; the learned counsel represented the permit holder of stage carriage KL-04-N-3641.

This is the belated application for the replacement of a stage carriage KL-04-N-3641 with another vehicle. This authority considered the application in detail. The above mentioned stage carriage was covered by a valid regular permit on the route Kodikuthy - Kuniji DB – Kottayam. The vehicle KL-04-N-3641 completed the age of fifteen years on 17/09/2018, and hence thereafter, the vehicle cannot be operated as

stage Carriage. Even though the permit holder was well aware to replace the vehicle with another suitable vehicle before completing 15 years of old vehicle covered by the permit, he has not complied the permit condition attached to the permit. Sub Section[1] a of Section 86 of Motor Vehicles Act-1988 stipulates that the transport Authority which granted a permit may cancel the permit or may suspend it for such periods as think fit on the breach of any condition contained in the permit. Here, the permit holder breached the permit condition. **Rule 152 of the Kerala Motor Vehicles Rules, 1989 explained the consequence of failure to use the transport vehicle, as follows.**

“It shall be a condition of the permit of every transport vehicle (other than private service vehicle permit) that the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and that the permit is liable to be suspended or cancelled, after due notice to the permit holder, if the vehicle has not been used for the purpose for which the permit was granted, for any day in the case of stage carriage unless a reserve bus duly authorized in this behalf has conducted substitute service in place of the route bus which defaulted service, and for a continuous period of fifteen days or more in the case of other transport vehicles, during the period for which the permit authorizes the use of the vehicle on the road, unless the State or Regional Transport Authority is satisfied that the permit holder was prevented by sufficient cause from running the service or that the permit holder had obtained the previous permission of the State or Regional Transport Authority to suspend the service for such period during which the vehicle was not operated”.

Here, the permit holder has not offered suitable vehicle before the expiry of the validity of the vehicle to be operated as stage carriage.

Therefore, this authority is of considered opinion that the permit holder is not qualified for the continuance operation of the stage carriage service and he is incapable of maintain a stage carriage providing better service to the public. Hence the application is hereby rejected and the regular permit 5/130/1998 issued to stage

carriage KL-04-N-3641 on the route Kodikuthy - Kuniji DB – Kottayam is hereby cancelled.

Item No. 44

Heard; the learned counsel represented the permit holder of stage carriage KL-07-AN-9492.

This is the belated application for the replacement of a stage carriage KL-07-AN-9492 with another vehicle. This authority considered the application in detail.

Sri. E.P. Vinoj, Edattu House, Vadayar.P.O, Vaikom has applied for replacement of vehicle on the route Nerekadavu – Peruva on 10/08/2018. The belated application for renewal of permit in respect of the route Nerekadavu – Peruva was revoked by the RTA, Kottayam vide Order No.C3/151348/2018/K dated 24/03/2015 for the following reasons.

“ The Honorable High Court of Kerala had ordered in WP[C] No.11023/2014 that the permit holder, who is the petitioner, should produce the current records of the vehicle sought to be substituted within a period of 4 months, failing which the permit shall stand revoked. A clearance certificate was issued with direction to the permit holder to produce a vehicle for replacement on or before 11/10/2014, but he had failed to do so. The permit holder has also failed to file application for renewal of permit in the stipulated time limit as prescribed in WP[C] No.11023/2014 of the Honorable High Court of Kerala. In the above circumstance, the grant of the permit in respect of S/C KL-07-AN-9492, which is under suspended animation, is revoked”.

Hence the above mentioned stage carriage KL 07 AN 9492 is not covered by any valid regular permit on the route Nerekadavu - Peruva. It is pertinent to note that the applicant has not proposed a vehicle for replacement also. Moreover, there is no provisions in the prevailing law to entertain an application for replacement on cancelled / revoked permit.

Hence the application for replacement of vehicle is **rejected**.

Item No. 45

The surrender of regular permit No 5/2042/2018 in respect of S/C KL-37-2688 on the Manarcadu- Koothattukulam is accepted by the Secretary RTA is ratified hence the regular permit stands revoked.

Item No. 46

The surrender of regular permit No 5/137/2018 in respect of S/C KL-07-AX-5444 on the Changanacherry - Kooropada is accepted by the Secretary RTA is ratified hence the regular permit stands revoked.

Item No. 47

The surrender of regular permit No 5/1625/2015 in respect of S/C KL-34-6859 on the Ponkunnam - Mallappally is accepted by the Secretary RTA is ratified hence the regular permit stands revoked.

Item No. 48

The surrender of regular permit No 5/3154/2017 in respect of S/C KL-33-J-4412 on the Kannamchira – Ottackadu [Chempupuram] is accepted by the Secretary RTA is ratified hence the regular permit stands revoked

Item No. 49

The surrender of regular permit No 5/97/1996 in respect of S/C KL-35-A-3843 on the Elappara - Kottayam is accepted by the Secretary RTA is ratified hence the regular permit stands revoked

Item No. 50

The surrender of regular permit No 5/1031/2004 in respect of S/C KL-35-9462 on the Elappara - Kottayam is accepted by the Secretary RTA is ratified hence the regular permit stands revoked

Item No. 51

Heard all concerned.

This is the request for the sanction of newly constructed Bus Stan at Velloor. This matter was considered by this authority on 25/04/2018 vide item No 38 took the following decision.

“As per the report of MVI Vaikom, even though sufficient facilities are provided in the Bus Stand, the road from Velloor Bus Stop to Bus Stand [400 meters] is narrow and single lane [3.5 to 4 meters]. It will adversely affect the smooth entry and exit of the stage carriages coming from Velloor JN. to newly constructed Velloor Bus Stand at a time. In view of the Road Safety aspect this authority is directed the Velloor Grama Panchayat to make sufficient width in the road from Velloor JN. to newly constructed Velloor Bus Stand 400 meters. Secretary RTA is directed to place the matter before RTA as and when the Velloor Grama Panchayat authority complies the direction and after obtaining report from the enquiry officer concerned in this regard. Hence Adjourned ”

The President Velloor Grama Panchayat made a request before this authority to reconsider the matter since there are a few stage carriages are operating through the road from Velloor JN. to newly constructed Velloor Bus Stand. Hence requested to issue approval.

On the basis of the request of the President Velloor Grama Panchayat, a detailed report was once again called from the enquiry officer. In his report *"The road from the existing Velloor termini to the newly constructed bus stand is having a carriage way width of 3.5 – 4.5 meters. On enquiry, it is revealed that the density of traffic through this portion is less and inclusion of stage carriages on this portion will not adversely affect the free flow of traffic, since the number of stage carriage services passing through velloor termini at present is nearly twenty. Hence the application submitted by the Velloor Grama Panchayat for getting approval to the newly constructed bus stand may be considered. It is also submitted that, steps may be taken for straightening the sharp bent in front of Kunjiraman Memorial H.S., Velloor to avoid obstruction of free flow of traffic if the traffic density increases. Moreover, steps may be taken to erected speed breakers near the said school in a legal and scientific manner to ensure safety of school children."*

While considering the application, objection raised against the approval of bus stand. The road leading to the bus stand is passing very near to Kunjiraman Memorial High School, Mevelloor. As per the photograph produced by the objector, there is no foot path on either side of the road. The location of the school is so adjacent to the road and the steps of the school starting from the tar side of the road. At present only one stage carriage is operating on this road. If the bus stand is approved, all the buses coming from Piravom, Elanji, Kottayam, Vaikom, Thalayolaparambu, Vettathukavala area will have to ply through this road, and it may cause dangerous to the life of the road users especially students of this school due to the excessive traffic congestion. But this authority is in view that the Velloor Grama Panchayat has not adhered the direction contained in the decision taken by this authority dtd 25/04/2018. The traffic block is the major problem facing at Kerala. Now, a few stage carriages are the beneficiaries of the proposed Bus Stand. But in future, the numbers of the beneficiaries will be increased. If the sufficient width on the road from Velloor Jn. to Bustand is not provided it will become a major reason for the traffic block at Velloor.

Hence this authority is of considered opinion on the road safety aspects that it is not feasible to issue approval to the newly constructed bus stand on the present road condition. Hence the decision taken by this authority dtd 25/04/2018 vide item No 38 is **upheld**.

Item No. 52

Heard all concerned.

This is the request for the sanction for a Bus Stop at Thekkekkarappady.

This authority considered the request, and verified the reports submitted by the enquiry officer and KSRTC.

In both the reports, the proposed bus stop is situating in a sharp curve and if the request is allowed, this will cause dangerous to the life of the road users. Hence considering the road safety aspects, the request for the sanction for a Bus Stop at Thekkekkarappady is **rejected**.

Item No. 53

Heard. On the basis of the reports of MVI Changanacherry and KSRTC,

1. Stops for LSOS Buses at Kochuparambu Jn. is **allowed**.
2. In view of Road Safety aspects, the sanction for shifting and re-arranging the existing bus stop at Kochuparambu Jn to a safer place is **allowed subject to provide Bus bay and Bus shelter**.

Item No. 54

Heard the learn counsel represented the various private bus operators and KSRTC.

This is to consider the objection of private bus operators against the permitless operation of KSRTC Buses in Pala Sector.

This authority verified the report of the enquiry officer and the reply submitted by the DTO, KSRTC, Pala.

This authority is decided as the KSRTC is entitled to conduct service as per the provisions of Chapter IV on the notified route and as per the provisions of Chapter V on non-notified routes.

Item No. 55

Heard.

This is to consider the proposal submitted for approval by the Traffic Advisory Committee Pala for smooth functioning of traffic at Pala Town.

This authority considered the proposal put forward by the Traffic Advisory committee Pala in the light of the report of Joint RTO Pala in detail.

The proposal is,

1. The stage carriages coming from Ponkunnam sector is proposed to reach at Kottaramattam Bus Stand via, stadium Jn., Town Bus Stand after taking right turn from General Hospital Jn. without providing additional stops.

2.The stage carriages coming from Ramapuram sector, is proposed to reach Kottaramattam Bus Stand via, Bye-Pass road, KSRTC, Stadium Jn and Town Bus Stand by taking left turn from Mini Civil Station.

As per the report of Joint RTO Pala,

If the proposal is allowed, it will cause traffic block at Pala Town. The stage carriages are required to overlap for a distance of 1.8 km more on the nationalized sector. It will cause legal impediments for granting and renewing the permits of the stage carriages. Moreover, the present running time will be increased as 3 minutes for the stage carriages in the Ramapuram sector and 6 minutes in the Ponkunnam Sector.

Considering the above facts, this authority is rejected the proposal submitted by the Traffic Advisory Committee Pala for approval

Item No. 56

Heard all concerned.

This is to consider the proposal submitted for approval by the Traffic Regulatory Committee Vaikom held on 29/06/2017 for the implementation of traffic system at Vaikom Town permanently.

This authority considered the proposal put forward by the Traffic Regulatory Committee Vaikom held on 29/06/2017 in the light of the report of Joint RTO Vaikom in detail.

The proposal is,

- 1. All stage carriages coming from Ernakulam, Kottayam side should proceed through the link road and halt at Dalavakulam stand after alighting passengers in the various stops at Thekke Gopuram, Padinjare Gopuram, Kacherikavala, KSRTC, Valiyakavala. Stage carriages having only passing time shall continue their service from Dalavakulam stand.**
- 2. Stage carriages coming from Vechoor, Alappuzha, Cherthala, Kaipuzhamuttu should operate through Padinjare Gopuram, Kacherikavala Old Stand, Valiyakavala, Link road to Dalavakulam stand and those vehicles having no passing time should continue their service.**
- 3. Stage carriages coming from T.V Puram should operate through Kacherikavala, Old stand Valiyakavala, link road and parking at Dalavakulam stand. Those vehicles having no passing time should continue service with destination board, and others should run one round service for the convenience of passengers.**
- 4. All buses should operate through Dalavakulam Bus stand including KSRTC, Ordinary, FP, SFP and other higher class services.**

5. **New bus stop is to be considered at Dalavakulam Stand for all classes of KSRTC services.**
6. **No entry is allowed for stage carriages and goods vehicles through link road from south to north.**
7. **One way system to be insisted between Kacherikavala to Thekke Gopuram except 2&3 wheelers.**

This authority held on 25/07/2017 accepted the above proposal but directed Chairman Traffic Advisory committee Vaikom to report any variations needed in the proposed system after hearing all the objectors. Pursuant to the decision of the RTA, Joint RTO Vaikom submitted a report that Chairman of Traffic Regulatory Committee Vaikom convened a meeting on 12/10/2017 and discussed the matter in detail. There were 14 Participants in the meeting and no new proposals / suggestions were arrived at. On the basis of the report, RTA Kottayam dtd 30/11/2017 again considered the issue. While considering the matter some objectors including Municipal Councilor Vaikom raised their contention against the new traffic reforms. Hence the RTA, once again directed Chairman Traffic advisory committee Vaikom to report if any variations needed in the proposed system after hearing all the objectors and Adjourned. Then Joint RTO Vaikom submitted a detailed report in this regard. On the basis of the report of Joint RTO Vaikom, RTA once again considered the matter at its sitting on 22/02/2018. **Adjourned** with a direction to ***the Chairman Traffic Advisory Committee, Vaikom to call a meeting and hear all the objectors and affected parties. Any suggestions, proposals if any in this regard may be considered at the Traffic Advisory Committee meeting and suggest a new proposal related to traffic reforms for the approval of RTA only after settling the objections at traffic Advisory Committee. It is pertinent to be noted that the proposal put forward by the Honorable MLA Vaikom also may be considered.***

The Joint RTO Vaikom has submitted a detailed report. This report was prepared after conducting a meeting at Vaikom Municipal Hall on 21/04/2018 and the meeting of Traffic Advisory Committee dtd 26/04/2018.

The Joint RTO Vaikom reported that,

The RTA Kottayam has considered the matter of present traffic system in Vaikom Town introduced with effect from 01.07.2017, for its final approval during its meetings held on 25.07.2017, 30.11.2017 and 22.02.2018. In the last sitting of the RTA, directed the chairman traffic advisory committee Vaikom to call a meeting and hear all the objectors and affected parties. It is also directed that any suggestions, proposals if any in this regard may be considered at the Traffic Advisory Committee meeting and suggest a new proposal related to traffic reforms for the approval of RTA only after settling the objections at Traffic Advisory Committee.

As per decision, the main objections arrived at RTA Kottayam are-

1. KSRTC objected that the long distance vehicles took too much time due to the introduction of present reforms and the passengers are complaining on time

lag. They requested to exempt the long distance vehicle from the present traffic reforms.

2. So many persons appeared in the meeting and states that they are not heard by the traffic advisory committee-
3. Honorable MLA Vaikom submitted a representation along with a new proposal.

In compliance to the direction given by the RTA, Kottayam held on 22.02.2018 a meeting was convened on 21.04.2018 at Municipal Town Hall Vaikom with due notices to all concerned. In the meeting "74" persons attended and discussed various issues relating to the present traffic system as well as the new proposals for the existing.

After the meeting the Traffic Regulatory Committee was held on 26.04.2018 and examined all the matters raised in the general meeting.

Regarding the objections raised in the RTA meeting held on 22.02.2018, the following remarks are submitted before the RTA-

1. Objection from KSRTC:-

Representative of KSRTC Vaikom, participated in the general meeting held on 21.04.2018 and did not raise or reiterate the objection. KSRTC represented the objection on behalf of passengers who are complaining on time lag, and their request before RTA is to exempt the long route services vehicle from the present traffic reforms.

It is very clear that the present traffic system provides maximum facilities to all incoming passengers, as they can reach any destination within the town in their onward journey. Whether these passengers have to catch another bus they can avail it by waiting at Dalavakulam Bus stand. When the long distance KSRTC vehicles are deviated these facilities could not be availed by the travelers. Also deviating some type of stage carriages through another route, confusion will be there for the proper implementation of traffic system which lead to congestion and sometimes caused accidents.

2. The 2nd objection raised in the last meeting was that they are not heard by the Traffic Regulatory committee

The statement is not true. There are enough participants during the meeting held on 16.06.2017 convened by the honorable MLA, Vaikom subsequently on 12.10.2017, 15.01.2018 and last on 21.04.2018 public meetings were convened with major representations. Various proposals arrived at have been considered in detail and the present traffic system is the outcome after discussions through different levels.

3. Honorable MLA, Vaikom

Honorable MLA, Vaikom have taken a prominent role in implementing the traffic system with effect from 01.07.2017. The new proposal suggested is also examined in detail,

The honorable MLA suggested '7' items in her representation dtd: 22.02.2018. The suggestions in Sl.No. 3 to 7 are genuine and can be implemented. There is a proposal for new bus stop near to MGR Statue at Valiyakavala for buses coming from Ernakulam side. It is a fact that there is an existing bus stop very near to the above point and introduction of additional bus stop will make traffic congestion in that area. Regarding the matter in first point. Allowing operation of buses from Kottayam side through Vadakkenada, the matter of traffic congestion at Padinjare Gopuram cannot be controlled as there is no sufficient width for the easy traffic of vehicles coming from Southern side and Northern side simultaneously.

The DYSP, Vaikom and Inspector of Police Vaikom have filed written statement with reasons stating the necessity to continue the present system of traffic. They stated that after 01.07.2017 there is low number of accidents in town area and no traffic congestions.

The Motor Vehicle Department also examined these matters in detail, and revealed that there is no other effective choice of traffic system in the present condition.

The traffic regulatory Committee Vaikom analyzed all these matters in detail and on the considered opinion for continuing the existing system started from 01.07.2017

Hence, on the basis of the above facts, this authority hereby **issue final approval** to the proposals put forward by the Traffic Regulatory Committee Vaikom dtd 29/06/2017 for the smooth functioning of traffic at Vaikom Town. .

Item No. 57

Heard.

This authority decided to restore the punching system at Thidanadu Police Station for the Stage Carriages plying on the sector Erattupetta – Kanjirappally.

Item No. 58

Heard Sri. B Jayachandran and all concerned.

This is to consider the proposal submitted for reducing the traffic block at Ettumanoor Town.

This authority perused the suggestions put forward by the enquiry officer in detail. During the meeting, Sri. B Jayachandran, who is the complainant and the petitioner in WP[c] No 31612/2018 of Honorable High Court of Kerala, stated that a heavy traffic block is now happening at Peroor Jn. in Ettumanoor Town due to the unauthorized parking of the vehicles on the sides of the Road, hence requested to take urgent action to redress his grievance.

This authority is of considered opinion that, Peroor Jn. is only a part of the Ettumanoor Town. The traffic block is happening not only at Peroor Jn. but in the entire Town also. The concerned local body is well aware of the issue of traffic blocks

and they can also suggest proposals for the smooth functioning of traffic at Ettumanoor Town.

Hence it is decided that The Municipal Chairman, Ettumanoor Municipality is directed to convene a meeting of Traffic Advisory committee as per Sec. 72 of Chapter VI of Kerala Police Act and submit a proposal for the smooth functioning of traffic at Ettumanoor Town.

Item No. 59

Heard the applicant.

1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-AQ-936** is **granted** subject to clearance of all government dues, if any

Item No. 60

Heard the applicant.

1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-AB-5891** is **granted** subject to clearance of all government dues, if any

Item No. 61.

Heard the applicant. 1.Perused the judgment of Honorable STAT in MVAA No 148/2016.

2.Delay condoned.

3.Reconsidered the matter in the light of the judgment of Honorable STAT in MVAA No 148/2016. The permit holder was demised on 22/10/2018. No application for transfer of permit death submitted. However, renewal of Autorickshaw permit having KM No 24/643 in respect of **A/R KL-05-V-6537** is **granted subject to the clearance of all government dues, if any.** The applicant Smt. Ammukutty, is directed to apply for transfer of permit [death] and Transfer of ownership [death] also within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction will be liable to be revoked.

Supplementary Item No-01

Heard the learn counsel represented the applicant and KSRTC.

This is to consider the application for temporary permit for four months u/s 87[1][d] in respect of **S/C KL 35 F 3677** on the inter district route **Kumily - Ernakulam** via, Vandiperiyar, Peermedu, Mundakkayam, Kanjirappally, Erattupetta, Pala, Marangattupally, Kuravilangad, Kuruppanthara, Kaduthuruthy, Thalayolaparambu, Vettikkattumukku, Thripunithura and Vyttila as LSOS.

This authority verified the application and connected records in detail. S/C KL 35 F 3677 was covered by regular permit **as Super Fast service** on the inter district route Kumily – Ernakulam valid up to 16/10/2018. The permit holder has submitted timely application for renewal of regular permit for a further period of 5 years from

17/10/2018. As there is prohibition in allowing Super Fast Service to private operators, the applicant has also submitted application to change the nature of service as LSOS instead of Super Fast Service. These applications are under processing.

For conducting the services from 17/10/2018, the permit holder has submitted application for temporary permit for 4 months u/s 87[1][d] of M V Act. As per G.O[P] No.73/2013/Trans, dated 16/07/2013, the Fast Passenger Services, Super Fast Services, Super Express Services, Super Express Services, Super Deluxe Services and Luxury Services should be run and operated by the State Transport Undertaking only. Hence S/C KL 35 F 3677 cannot be permitted to conduct Super Fast Service.

Hence temporary permit for four months u/s 87[1][d] in respect of **S/C KL 35 F 3677** on the inter district route **Kumily - Ernakulam** as **LSOS** is **granted** subject to settlement of timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

Supplementary Item No-02

Heard the learned counsel represented applicant and KSRTC.

This is to peruse the Judgment in M.A.A.A No.10/2016 of Honorable STAT dated 21/07/2018 and to **re-Consider the rejected** application for variation of permit in respect of **S/C KL 38 C 7203** on the route Anakkayam - Kottayam Via Thodupuzha, Pala, Ayarkunnam, and Manarcadu by curtailing the route portion from Thodupuzha to Anakkayam in the light of the Judgment of Honorable STAT M.V.A.A No.214/2015 & M.V.A.A No.10/2016.

This application was rejected by this authority held on 14/05/2015 since the curtailment portion is an ill served area, hence there is no urge of travelling public and moreover the applicant is failed to establish the necessity U/R 145[6] of KMV Rules to grant variation.

The matter was once gain considered by this authority held on 22/02/018 in the light of the judgment of Honorable STAT in MVAA No 214/2015 and decided as follows.

- 1. The RTA Idukki has rejected the concurrence that **there is no adequate travelling facility on this route. Hence curtailment of the portion from Thodupuzha to Anakkayam will adversely affect the passengers.***
- 2. Enquiry officer specifically reported that the curtailment portion is an ill served area, and the curtailment will adversely affect the travelling facility of the general public. The enquiry officer also reported that the application for curtailment could not be recommended since there is no urge of travelling public. There is only one trip in the existing permit between Thodupuzha and Anakkayam which is an ill served area. It seems that the benefit of the curtailment is only for the permit holder. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.*
- 3. The regular permit was issued during the year 2001. As per Clause[4] of the modified scheme in vide notification No.08/2017/Tran dtd 23/03/2017, the*

*permits granted in the private sector as on 14/07/2009 are permitted to operate as Ordinary or Ordinary limited Stop Service as **saved permits** provided that further extension or variation shall not be allowed under any circumstances. The permit issued to the applicant during the year 1997 is belongs to the classification of saved permit and the permit can be continued as such without any modifications such as further extension or variation. If the proposed variations are allowed, it will be the clear violation of Clause [4] of the notification No.08/2017/Tran dtd 23/03/2017. In view of the aforesaid facts, the application for the variation of **saved permit** is hereby **rejected**.*

Against this decision of this authority, the permit holder approached Honorable STAT in M.V.A.A No.10/2016 and the Honorable Court **set aside the decision** of Regional Transport Authority Kottayam dated 22-02-2018 and **directed to Regional Transport Authority to furnish a copy of the report of the Motor Vehicle Inspector to the permit holder and he shall given an opportunity to file an objection to the said report. Thereafter, the Regional Transport Authority shall give an opportunity of hearing to the appellant and pass orders in accordance with law within 2 months from the date of receipt of copy of this Judgment.** In obedience to the Judgment Secretary RTA given the copy of the report of MVI, and received the objection submitted the permit holder. .

This authority perused the direction contained in the aforesaid judgment. Heard the learned counsel represented the applicant. As per the objection submitted by the permit holder, he has requested to allow variation since the buses are operating just before and after his service. But the enquiry officer specifically reported that the curtailment portion is an ill served area, and the curtailment will adversely affect the travelling facility of the general public.

Hence this authority is in considered opinion that Secretary RTA is directed to furnish a detailed report on the **statistics of the Stage carriages operating on the curtailed sector with time gap of the vehicles** and place the matter in the next RTA. Hence **Adjourned**.

Supplementary Item No-03

Heard the learned counsel represented KSRTC.

This is to consider the request for the sanction of stop **for LSOS and Fast Passenger Buses** at **Pattithanam Rationkada Jn,**

This matter was considered by this authority held on 22/02/2018 vide item No 64 and took the following decision.

*“Heard the Counsel represented by the KSRTC. He objected since the enquiry report submitted by the MVI was not hearing their part. He has stated that the place **Pattithanam Rationkada Jn** is situated in nationalized route. KSRTC is operating service on this route. Hence KSRTC is the party to submit report whether the sanction of*

stops for LSOS, Fast Passenger Buses at Ration Kada Jn is feasible or not. Hence adjourned with a direction to Secretary RTA to call report from KSRTC and place the matter in the RTA.”

Thereafter, two RTA meetings were held on 25/04/2018 and 20/06/2018 respectively, but the KSRTC has not submitted their report yet.

During the hearing, the representative of KSRTC stated that the KSRTC has the right to sanction bus stops on a nationalized sector.

The requested bus stop situating on the fully nationalized sector. KSRTC buses are operating on this route exclusively. Hence this authority is of considered opinion that the request is a genuine one. Hence the request for the sanction of bus stop at Pattithanam Rationkada Kavala on the nationalized sector is forwarded to MD, KSRTC for favorable decision.

Supplementary Item No-04

This is to consider the various requests submitted by the permit holders to allow maximum time for producing a later model vehicle for replacing their existing vehicles which have attained 15 years of registration validity

Govt. of Kerala has not taken any decision for enhancing the registration age of the stage carriages from 15 years to 20 years. Hence **Rejected.**

Sd/-

Sri. Shaji Joseph, Deputy Transport Commissioner, Central Zone II,
Ernakulam & Member RTA Kottayam

Sd/-

Dr. B.S. Thirumeni, IAS, The District Collector, Kottayam & Chairman RTA
Kottayam.